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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,458	10/27/2003	Shintaro Tsutsui	SONYJP 3.0-079 DIV	2515

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EXAMINER

MILORD, MARCEAU

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/694,458	Applicant(s) TSUTSUI ET AL.	
	Examiner Marceau Milord	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metz et al (US Patent No 5768539) in view of Hurtado et al (US Patent No 6418421 B1).

Regarding claims 1-3, Metz discloses a data receiving and recording method (fig. 1), comprising: receiving (100 of fig. 1 or 145 of fig. 6) data coded by a predetermined method and copyright information attached to the data (col. 5, lines 23-43); and while recording the received data on a predetermined recording medium (col. 7, lines 29-40; col. 25, lines 4-34; col. 9, lines 6-31; col. 10, lines 13-51; col. 12, lines 50- col. 13, line 45).

However, Metz does not specifically disclose the step of causing the copyright information to be recorded in a predetermined area of the recording medium, wherein the data consists of audio data of the song, lyrics data of the song and image data related to the song; the copyright information is allotted respectively to the audio data, lyrics data and image data; and

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the audio, lyrics and image data are recorded on the recording medium and the copyright information allocated to the audio, lyrics and image data is recorded in the predetermined area of the recording medium; prohibiting recording of the received data if the recording medium is determined to be of a type that does not permit copy restriction processing.

Hurtado et al, on the other hand, discloses a system for tracking usage of digital content on user devices. Electronic stores coupled to a network sell licenses to play digital content data to users. Content players, which receive from the network the licensed content data, are used to play the licensed content data. Additionally, a logging site that is coupled to the network tracks the playing of the content data. In particular, the logging site receives play information from the network, and the play information includes the number of times that the content data has been played by the associated content player. Further, information is transmitted to a logging site whenever the content data is played by the content player or copied from the content player to an external medium so that usage of the licensed content data can be tracked. In addition, digital watermarking also provides the means to identify the origin of authorized or unauthorized copies of content. Since watermarks become an integral part of the content, they are carried in the copies independent of whether the copies were authorized or not (col. 6, lines 6-36; col. 11, lines 7-54; col. 12, lines 5-61; col. 13, line 28- col. 14, line 43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Hurtado to the communication system of Metz in order to allow content providers to establish a secure, global distribution system for digital content that protects the rights of content owners.

Regarding claims 4-5, Metz discloses a data receiver (fig. 1) comprising: a receiver (100 of fig. 1 or 145 of fig. 6) for receiving data in which copyright information is multiplexed and

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allotted (col. 5, lines 23-43); a controller for determining whether the copyright information is received by the receiver; and a transmitter for transmitting the data received by the receiver to a predetermined recording apparatus (col. 7, lines 29-40; col. 25, lines 4-34; col. 9, lines 6-31; col. 10, lines 13-51; col. 12, lines 50- col. 13, line 45).

However, Metz does not specifically disclose the step of transmitting the copyright information to the recording apparatus as information attached to the received data, wherein the data to be received by the receiver includes audio data of a song, lyrics data of the song and image data related to the song; the copyright information is respectively allotted to the audio data, lyrics data and image data; the controller determines whether the audio data, lyric data and image data are received; and the transmitter transmits the copyright information allotted audio data, lyrics data and image data as information attached respectively to the audio data, lyrics data and image data, wherein the controller prohibits transmission from the transmitter to the recording apparatus if the controller determines that recording apparatus connected to the transmitter is of a type that does not permit copy restriction prohibition.

Hurtado et al, on the other hand, discloses a system for tracking usage of digital content on user devices. Electronic stores coupled to a network sell licenses to play digital content data to users. Content players, which receive from the network the licensed content data, are used to play the licensed content data. Additionally, a logging site that is coupled to the network tracks the playing of the content data. In particular, the logging site receives play information from the network, and the play information includes the number of times that the content data has been played by the associated content player. Further, information is transmitted to a logging site whenever the content data is played by the content player or copied from the content player to an

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external medium so that usage of the licensed content data can be tracked. In addition, digital watermarking also provides the means to identify the origin of authorized or unauthorized copies of content. Since watermarks become an integral part of the content, they are carried in the copies independent of whether the copies were authorized or not (col. 6, lines 6-36; col. 11, lines 7-54; col. 12, lines 5-61; col. 13, line 28- col. 14, line 43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Hurtado to the communication system of Metz in order to allow content providers to establish a secure, global distribution system for digital content that protects the rights of content owners.

Regarding claims 7-9, Metz discloses a data receiver (fig. 1) comprising: means for receiving data (100 of fig. 1 or 145 of fig. 6) in which copyright information is multiplexed and allotted (col. 5, lines 23-43); means for determining whether the copyright information is received by the receiver (col. 7, lines 29-40; col. 25, lines 4-34; col. 9, lines 6-31; col. 10, lines 13-51; col. 12, lines 50- col. 13, line 45).

However, Metz does not specifically disclose a means for transmitting the data received by the receiver to a predetermined recording apparatus and transmitting the copyright information to the recording apparatus as information attached to the received data, wherein the data to be received includes audio data of a song, lyrics data of the song and image data related to the song; the copyright information is respectively allotted to the audio data, lyrics data and image data; the means for determining determines whether the audio data, lyric data and image data are received; and the means for transmitting transmits the copyright information allotted audio data, lyrics data and image data as information attached respectively to the audio data, lyrics data and image data, wherein the means for determining prohibits transmission from the

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transmitter to the recording apparatus upon determining that recording apparatus connected to the transmitter is of a type that does not permit copy restriction prohibition.

Hurtado et al, on the other hand, discloses a system for tracking usage of digital content on user devices. Electronic stores coupled to a network sell licenses to play digital content data to users. Content players, which receive from the network the licensed content data, are used to play the licensed content data. Additionally, a logging site that is coupled to the network tracks the playing of the content data. In particular, the logging site receives play information from the network, and the play information includes the number of times that the content data has been played by the associated content player. Further, information is transmitted to a logging site whenever the content data is played by the content player or copied from the content player to an external medium so that usage of the licensed content data can be tracked. In addition, digital watermarking also provides the means to identify the origin of authorized or unauthorized copies of content. Since watermarks become an integral part of the content, they are carried in the copies independent of whether the copies were authorized or not (col. 6, lines 6-36; col. 11, lines 7-54; col. 12, lines 5-61; col. 13, line 28- col. 14, line 43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Hurtado to the communication system of Metz in order to allow content providers to establish a secure, global distribution system for digital content that protects the rights of content owners.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Aramaki US Patent No 5886967 discloses a method and apparatus for recording control for a recording medium having a data recording region for recording data such as audio data, speech data, and a control data region for recording control data for the data recording region.

Inoue et al. US Patent No 6380984 B1 discloses a decoder which has a DRAM used as a work area in processing such as decompression and an MPEG decoder including an OSD processing unit.

Taniguchi et al. US Patent No 6022223 discloses a video/audio data-supplying device.

Sone US Patent No 6066792 discloses a music apparatus, which is constructed for joint play of music pieces by processing song data.

Looney et al. US Patent No 6232539 B1 discloses a music organizer and entertainment center which provides a center having a microprocessor, sound card functions and high-volume data storage and retrieval units for playing back music according to a variety of predetermined categories.

Nguyen et al. US Patent No 6191904 B1 discloses a technique for reading data from a magnetic disk including the steps of providing the magnetic disk including a cylinder having a plurality servo sectors, a plurality of data sectors, and a zone data table.

Miller et al. US Patent No 5925843 discloses a computer program for an interactive computer music game, which is stored on a medium that can be read by a general-purpose computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARCEAU MILORD


MARCEAU MILORD
PRIMARY EXAMINER

Marceau Milord

Primary Examiner

Art Unit 2682

6-7-05